



RIGHTS STUFF

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ADA Amendments Act Of 2008

A bill that was recently signed into law, the Americans with Disabilities Amendments Act of 2008, seeks to widen the narrow interpretation of the ADA that the U.S. Supreme Court has made in two cases in particular, as well as by lower courts.

In Sutton v. United Air Lines, 527 US 471 (1999), the Supreme Court said that applicants with severe myopia did not have a disability as defined by the ADA because their condition could be corrected with the use of eyeglasses or contact lenses. The applicants, twin sisters, were applying for pilot jobs but could not pass the vision tests without corrective measures. The Court said that if they wore their glasses or contacts, they did not have a disability. They were not "substantially limited in the major life activity of working" because they could do many jobs with their eyesight, at least if they wore their glasses or contacts. But they could not fly planes for United.

In Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 434 U.S. 184 (2002), the Court ruled that the plaintiff did not have a disability as defined by the ADA. She had carpal tunnel syndrome and her condition prohibited her from wiping down freshly painted cars because she could not repeatedly grab and lift a sponge. But the Court said this was not enough to give her protection as a person with a disability under the ADA, because she could still do many activities. She could brush her teeth, wash her face, garden and pick up around the house. Because she could still perform these activities, the Court held that she did not have a

"substantial impairment of a major life activity."

The purpose of the ADA Amendments Act of 2008 is "to carry out the ADA's objectives of providing a 'clear and comprehensive national mandate for the elimination of discrimination' and 'clear, strong, consistent, enforceable standards addressing discrimination' by reinstating a broad scope of protection to be available under the ADA." The Act says that the Supreme Court decisions, as well as lower court decisions, have created "an inappropriately high level of limitation necessary to obtain coverage under the ADA."

Under the ADA Amendments Act of 2008, interpretation of the ADA shall be "in favor of broad coverage of individuals." An impairment that "substantially limits one major life activity need not limit other major life activities in order to be considered a disability." Courts and agencies are instructed to determine if a condition is a disability "without regard to the ameliorative effects of mitigating measures such as medication, equipment, assistive technology, reasonable accommodations or learned behavior." The "ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity." Given this clause, it's likely that the Suttons would still lose if they pursued a case under the new amendments, but lower courts have used the Sutton case to further limit the reach of the ADA in subsequent cases. ♦

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Conducting A Successful Food Drive

As the economy continues to struggle, it's likely that more of our neighbors and friends may need to use the services of food pantries. The pantries will need those of us who can to donate more food to meet the growing demand.

Here are some tips for conducting a successful food drive, based on an article in the November, 2008 issue of *Hungry for Change*, published by the Hoosier Hills Food Bank:

-- Organize a competitive food drive - challenge another business, class, dorm floor, fraternity or sorority, and see who is able to collect the most food.

-- Conduct a food drive at work - get your coworkers to help fight hunger in our community. HHFB will loan you collection barrels and pick them up at the end of your food drive.

-- Have a special event food drive - collect cans of food as admission to an event you're organizing, such as a concert or a dance.

-- Organize a neighborhood block-walk - let your neighborhood know ahead of time, using flyers or e-mail, that you will be collecting food on a particular day, or arrange a central drop-off location in your neighborhood.

HHFB is most in need of canned meats, fruits, vegetables, beans and soups. But they are also grateful for peanut butter, jelly, boxed meals, microwavable meals, pasta, cereal, dry beans, rice, fruit juices and anything that can feed someone in need.

HHFB will help you transport the food you've collected. HHFB makes the donated food available to its partner organizations that collectively serve more than 25,000 people every year. Help HHFB take the hunger out of poverty by contacting the agency at 334-8374 or hhfb@hhfoodbank.org. ♦

City's King Commission Sponsors Web Design Contest

The City of Bloomington's Dr. Martin Luther King, Jr. Birthday Celebration Commission has announced its annual Web Design Contest for students in elementary, middle and high schools. Students in both the Monroe County Community School Corporation (MCCSC) and the Richland-Bean Blossom Community School Corporation (RBBSC) are invited to participate.

"I encourage students to learn about the life and legacy of Dr. Martin Luther King, Jr. by participating in the Web Design contest," Mayor Mark Kruzan said. "This is a fun way to learn, and students are eligible for prizes. We welcome the participation again this year of our

friends in the Richland-Bean Blossom Schools."

Web Design Contest information is posted on both the MCCSC and RBBSC Web sites. Instructions vary according to the grade levels of students. Students in the MCCSC can find details by visiting www.mccsc.edu/mlkjbcc.html and RBBSC students can visit www.rbbcschools.org. The deadline for entries is January 13, 2009.

Students may incorporate text, graphics, art, audio and video, as well as use any available web technologies such as MySpace or YouTube.

Diane Jung, who manages special events for Indiana University's Office of the President, is leading a team of volunteer judges who will select winners. All participants are invited to attend a reception at the First United Methodist Church at 5 p.m. on Monday, January 19, at which time winning Web designs will be displayed and announced and prizes will be given.

Contest winners also will be recognized at the King Birthday Celebration beginning at 7 p.m. on January 19th at the Buskirk-Chumley Theater, 114 E. Kirkwood Avenue. ♦



Job Applications And Pre-Employment Questions

The U.S. Equal Employment Opportunity Commission (EEOC) strongly suggests that employers not ask any of the following questions on a job application or during an interview:

- Have you ever had or been treated for any of the following diseases?
- Have you been treated in the past three years for any conditions or diseases, and if so, what were they?
- Have you ever been treated by a psychiatrist or psychologist? If so, why?
- Is there any health-related reason you may not be able to do the job you're applying for?
- Are you taking any prescriptions?
- Have you ever been treated for drug addiction?
- Have you ever been treated for alcoholism?
- Have you ever filed for workers' compensation insurance?
- How many days were you absent from work because of illness last year?

The EEOC has no objections to your asking any of the following questions on a job application or during an interview:

- Can you meet the requirements of our attendance policy?
- Can you perform the tasks of this position, with or without an accommodation?

• Describe or demonstrate how you would perform this function, with or without an accommodation. (You may ask this of applicants who have a known disability that might prevent them from performing a job duty. If the disability would not interfere with a job duty, however, you should ask this kind of question only if you ask the question of all applicants.)

- Do you use illegal drugs?
- Have you ever been arrested for driving under the influence?
- Do you have the required licenses and degrees to perform this job?

If you have any questions about your rights and responsibilities under the ADA, please contact the BHRC. ♦

The City of Bloomington Celebrates Dr. Martin Luther King, Jr. Birthday

The City of Bloomington's Dr. Martin Luther King, Jr. Birthday Celebration takes place Monday, January 19, 2009. The event begins at 7 p.m. at the Buskirk-Chumley Theater, 114 E. Kirkwood Ave. It is preceded by a reception at the First United Methodist Church featuring a display of students' winning Web designs, the awarding of prizes to the designers, and refreshments at 5 p.m. Both the program and reception are free and open to the public.

Speakers at the event include Mayor Mark Kruzan, Keynote

Speaker Bishop Woodie White of Emory University's Candler School of Theology, Ivy Tech-Bloomington Chancellor John Whitehart, City of Bloomington King commission Chair William A. Vance, Jr., and Master of Ceremonies David Hummons.

The event will include performances by the Indiana University African American Choral Ensemble directed by Professor Keith McCutchen, the community vocal group Kaia, and Hip Hop ConnXion-Indiana.

The celebration features presentation of the Commission's Dr. Martin Luther King, Jr. Legacy Award, announcement of the winners of the Commission's Web Design contest, announcement of the book selected for this year's "One Book One Bloomington and Beyond" project, and recognition of volunteers who participated in service projects as part of "A Day On! Not A Day Off."

Information about the MLK Day Celebration is available online at www.bloomington.in.gov/cfrd. ♦



Commission On The Status Of Women Seeks Nominations For Yearly Awards

The City of Bloomington's Commission on the Status of Women is seeking nominees for the Woman of the Year, the Emerging Leader and Lifetime Contribution Awards. The deadline for submission of nominations is January 28, 2009, and the awards will be presented during Women's History Month Luncheon on March 11, 2009, at the Bloomington/Monroe County Convention Center.

Each year, the Woman of the Year Award is presented to a woman who has improved the quality of life for other women through inspiration, community service or professional accomplishments above and beyond normal job responsibilities. The recipient should be someone who serves as a positive role model

for girls and women and has made outstanding contributions to the community.

The Lifetime Contribution Award recognizes a woman whose extensive work has significantly advanced the status of women through leadership and service, while the Emerging Leader Award acknowledges an up-and-coming community leader who has demonstrated a commitment to service.

Past recipients of Woman of the Year award include Faye Abrell, Elizabeth Bridgewater, Anne Lemon Brown, Jocelyn Cohen and Helaine Victoria Press, Dorothy Collins, Mary Alice Dunlap, Frances Gilliam, Girls, Inc., Donna Hogle, Sally Jones, Judith Klein, Liz

Kirkland, Cindy Kvale, League of Women Voters, Barbara Light, Elizabeth Lion, Middle Way House, Inc., Regina Moore, Carrie Newcomer, Catherine Olmer, Elizabeth Radcliffe, Ginny Richey, Cathy Rogers, Mary Frances Roll, Eva Sanders, Vi Simpson, Veda Stanfield, Toby Strout, Viola Taliaferro, Phyllis Trinkle, Gracia Valiant, Kristin Willison, Barbara Wolf, Vicky Wyatt and Charlotte Zietlow.

Nomination forms are available in the City of Bloomington's Community and Family Resources Department, Suite 260, and online at www.bloomington.in.gov/cfrd/. Nominations forms also are available via e-mail by contacting owenss@bloomington.in.gov or phoning 349-3468. ♦

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